

PTO/SB/61 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>		<b>Docket Number (Optional)</b> FO6156USNA
First Named Inventor: Louay Eldada	Art Unit:	<b>RECEIVED</b> <b>APR 20 2004</b> <b>OFFICE OF PETITIONS</b>
Application Number: 10/075138	Examiner:	
Filed: February 14, 2002		
Title: HITLESS ERRORLESS TRIMMABLE DYNAMIC OPTICAL ADD/DROP MULTIPLEXER DEVICES		
Attention: Office of Petitions <b>Mall Stop Petition</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9382.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION. NOTE: A grantable petition requires the following items:		
(1) Petition fee. (2) Reply and/or issue fee. (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and (4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee		
<input type="checkbox"/> Small entity - fee \$ _____ (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.		
<input checked="" type="checkbox"/> Other than small entity - fee \$ 1,300.00 (37 CFR 1.17(l)).		
2. Reply and/or fee		
A. The reply and/or fee to the above-noted Office action in the form of <u>Declaration and Power of Attorney (Missing Parts)</u> (Identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input checked="" type="checkbox"/> is enclosed herewith.		
B. The issue fee of \$ _____		
<input type="checkbox"/> has been filed previously on _____		
<input type="checkbox"/> is enclosed herewith.		

(Page 1 of 3)

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mall Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/81 (09-03)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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### PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

#### 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

2/11/04  
Date

Barbara C. Siegel  
Signature

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APR 20 2004

(302) 992-4931  
Telephone Number

BARBARA C. SIEGELL  
Typed or printed name

OFFICE OF PETITIONS

30,684  
Registration Number, if applicable

Barley Mill Plaza 25/1213  
Address

P.O. Box 80025  
Address

- Enclosure ☐ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unavoidable delay
- ☐ \_\_\_\_\_

#### CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

- ☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Valencia D. Harper  
Typed or printed name of person signing certificate

[Page 2 of 3]

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,460.00

## Complete if Known

Application Number 10/075138  
 Filing Date February 14, 2002  
 First Named Inventor Louay Eldada  
 Examiner Name  
 Art Unit  
 Attorney Docket No. FO6156 US NA

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APR 20 2004

OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number 04-1928  
 Deposit Account Name E. I. du Pont de Nemours and Company

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

0.00

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X 18	
Multiple Dependent	-3** =	X 88	
YES		200.00	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 820*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	1,330.00
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (Times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

1,460.00

## SUBMITTED BY

Name (Print/Type) Barbara C. Siegel  
 Signature  
 Registration No. 30,684  
 Telephone (302)9924931  
 Date 2/11/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2036.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-6100 and select option 6.

PTO/SB/87 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**Certificate of Transmission under 37 CFR 1.8**

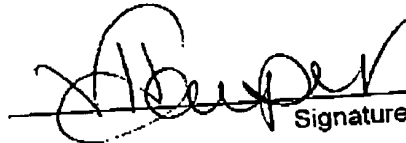
I hereby certify that this correspondence is being facsimile transmitted  
to the Patent and Trademark Office, Office of Petitions, telefax number  
1-703-872-9306

on February 10, 2004  
Date

**RECEIVED**

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OFFICE OF PETITIONS



Signature

VALENCIA D. HARPER

Type or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must  
identify each submitted paper.

10/075.138  
FO6156 US NA  
Power of Attorney  
Fee Transmittal  
Response to File Missing Parts  
Declaration and Power of Attorney  
Petition For Revival of an Application for Patent Abandoned Unavoidably

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments  
on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

FEB. 11. 2004 3:40PM

DUPONT LEGAL

NO. 6290 P. 6/8

Rev. 3/94

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

LOUAY ELDADA

CASE NO.: FO6156USNA

APPLICATION NO.: 10/075138

GROUP ART UNIT:

FILED: FEBRUARY 14, 2002

EXAMINER:

FOR: HITLESS ERRORLESS TRIMMABLE DYNAMIC OPTICAL ADD/DROP  
MULTIPLEXER DEVICES

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FEB 11 2004

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RESPONSE TO NOTICE TO FILE MISSING  
PARTS OF APPLICATION-FILING DATE GRANTED

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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APR 20 2004

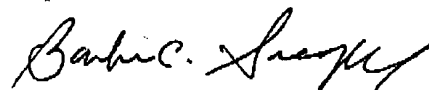
OFFICE OF PETITIONS

Attention: Mail Stop Missing Parts

Sir:

In response to the Notice to File Missing Parts of Application mailed April 11, 2002 (a copy of which is attached), enclosed is a Declaration for the above-referenced application. Please charge the \$130.00 surcharge fee applicable for filing the Declaration on a date later than the filing date to Deposit Account 04-1928 (E. I. du Pont de Nemours and Company). If the fee is insufficient or incorrect, please charge or credit the balance to the above-identified account.

Respectfully submitted,



BARBARA C. SIEGELL  
ATTORNEY FOR APPLICANT  
Registration No.: 30,684  
Telephone: (302) 992-4931  
Facsimile: (302) 992-5374

Dated: 2 - 11 - 04

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MAR 28 2002

6156

SAMUELS, GAUTHIER &  
STEVENS LLP**DECLARATION AND POWER OF ATTORNEY**

I, the below named inventor, hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **HITLESS ERRORLESS TRIMMABLE DYNAMIC OPTICAL ADD/DROP MULTIPLEXER DEVICES**, specification of which was filed with the United States Patent Office on February 14, 2002, as Serial No. 10/075,138. This application claims priority under 35 USC §119(e) from United States Provisional Patent Application Serial No. 60/274,976, filed March 12, 2001.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby declare that all statements made herein based on my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint:

Maurice E. Gauthier	- Reg. No. 20,798
I. Stephen Samuels	- Reg. No. 20,919
Richard L. Stevens	- Reg. No. 24,445
Matthew E. Connors	- Reg. No. 33,298
William E. Hilton	- Reg. No. 35,192
Patrick J. O'Shea	- Reg. No. 35,305
Arlene J. Powers	- Reg. No. 35,985
Richard L. Stevens, Jr.	- Reg. No. 44,357

all of the firm of Samuels, Gauthier & Stevens, our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Samuels, Gauthier & Stevens  
225 Franklin Street, Suite 3300  
Boston, Massachusetts 02110

Attn: Matthew E. Connors

Louay Eldada

(Full Name of Inventor)

03/26/02

(Date)

U.S.A.

(Citizenship)



(Inventor's Signature)

169 Concord Avenue

Lexington, MA 02421

(Residence)

Same as Residence

(Post Office Address)

FEB. 11. 2004 3:39PM

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NO. 6290 P. 2/8

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 11 2004

OFFICIAL

IN THE APPLICATION OF:

LOUAY ELDADA

CASE NO.: FO6156 US NA

APPLICATION NO.: 10/075,138

GROUP ART UNIT: 6914

FILED: FEBRUARY 14, 2002

EXAMINER:

FOR: HITLESS ERRORLESS TRIMMABLE DYNAMIC OPTICAL ADD/DROP  
MULTIPLEXER DEVICES

POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

E.I. DuPont de Nemours, assignee of all title and rights in the above patent application hereby appoints BARBARA C. SIEGELL (Registration No. 30,684) as attorney in the above-entitled application, to prosecute this application, to make alterations and amendments therein, to inspect the file, and to transact all business in the Patent and Trademark Office connected therein.

Please address all future communications to the above-appointed associate attorney of record at the following new address:

E. I. du Pont de Nemours & Co.  
Legal/Patent Records Center  
Barley Mill Plaza 25/1128  
Wilmington, DE 19805

Respectfully submitted,

*Barbara J. Massie*

E.I. DUPONT DE NEMOURS & CO.  
BY: BARBARA J. MASSIE  
ASSISTANT SECRETARY,  
PATENT BOARD  
Telephone: (302) 992-4942  
Facsimile: (302) 992-2105

Dated: 2/10/2004